# TRANSCRIPT OF RECORD.

## SUPREME COURT OF THE UNITED STATES.

No. ~~364~~ 353 93

A. B. SEELYE AND HENRY P. ATWOOD, PLAINTIFFS IN ERROR,

vs.

R. K. HARRISON.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

FILED DECEMBER 12, 1868.

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Sullivan, Billings, and Hughes, for plaintiffs in error.
Hays and Moise, for defendant in error.
Returnable to the Supreme Court of the United States on the first Monday of December, 1868.

1 Circuit court of the United States, fifth circuit and district of Louisiana.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

*Transcript from the State court.—Filed March 5th*, 1867.

State of Louisiana, sixth district court of New Orleans.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 18,300.

*Petition.—Filed 16th June*, 1866.

To the hon. the sixth district court of New Orleans:

The petition of R. K. Harrison, who resides in the parish of Caddo, respectfully shows:

That Seelye & Henry P. Atwood, commercial partners, doing business under the name of Seelye & Atwood, are indebted to petitioner in solido in the sum of six thousand & sixty-three 81-100 dollars for this, to wit:

2 That petitioner was the sole owner of one hundred & seventy-eight bales of cotton, planted, gathered, and baled on the plantation of petitioner, and that no other person, corporation, or body politic of any kind whatsoever had any ownership of, or interest, direct or indirect, in said cotton; that said cotton was, against the will of petitioner, by force & violence, that petitioner was wholly unable to resist, taken from by persons unknown to petitioner from the plantation and possession of petitioner; that said cotton was found by petitioner in the possession of the defendants in this cause; but petitioner was informed that it was under the control of persons representing themselves as treasury agents of the United States; that said persons relinquished said cotton to petitioner, but the said defendants refused to deliver the same to petitioner unless petitioner paid to them the sum of $6,063 81-100, which petitioner was compelled to do in order to obtain possession of his property, and which said sum petitioner reserved the right of reclaiming.

3 Petitioner alleges, in order to show the extent of the outrage committed by the parties who forcibly took said cotton, that the 178 bales averaged on petitioner's plantation 530 lbs. each, making a total weight of 94,340 lbs.; and when said 178 bales of cotton were delivered to petitioner they averaged each 312 lbs., or a total weight of 55,570 lbs., making a loss to petitioner of 38,770 lbs., which cotton so lost to petitioner was worth in February last, when it was taken from petitioner's possession, fifty cents a pound, or the total sum of $19,385.

Now petitioner avers that he never was in any way responsible for the costs and charges upon the cotton taken by force and violence from petitioner's; that he never was a party to any contract for the transportation of said cotton from plaintiff's plantation to New Orleans, nor for any expenses that the wrong done may have incurred in connection which said cotton; nor can petitioner be held responsible in law or equity for the expenses incurred by trespassers in the perpetration of the wrong inflicted on petitioner or in the efforts afterwards made to render it successful.

But petitioner avers that if it be ruled that petitioner is bound for expenses, costs, &c., then petitioner says that the charges made are

exhorbitant and illegal, and should be reduced, as petition will show on the trial of this cause.

The premises considered, petitioner prays that said Seelye & Atwood be cited to appear and answer this petition, and that after due proceedings judgment be rendered against Seelye & Atwood, commercial partners, and against each of them in solido, for said sum of $6,063 81-100, with interest from judicial demand at the rate of five per cent. per annum, and for general relief.

(Signed) HAYS, ADAMS & MOISE,
*Att'ys for Pet'r.*

*Citation on Seelye & Atwood.*

State of Louisiana, sixth district court of New Orleans.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 18,300.

Messrs. Seelye & Atwood:

You are hereby summoned to comply with the demand contained in the petition of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the sixth district court of New Orleans in ten days after the service hereof.

Witness the Honorable G. Duplantier, judge of the said court, this 16th day of June, in the year of our Lord 1866.

(Signed) F. I. LAIZER, *D'y Clerk.*

*Sheriff's return on foregoing citation.*

Received June 16, 1866, and on the 18th day of June, 1866, served copy of the within citation and accompanying petition personally on A. B. Seelye, at his domicil on St. Andrews street, near St. Charles street, one of the defendants herein. Returned same day.

(Signed) JOHN HECTOR,
*Deputy Sheriff.*

*Special orders No.* 138.—*Filed 28th June*, 1866.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
*New Orleans, La., June 28th*, 1866.

Special Orders No. 138.

[Extract.]

1. It appearing that the case of R. K. Harrison vs. Seelye & Atwood, No. 18,300, pending in the sixth judicial district court of New Orleans, Louisiana, comes within the provisions of General Orders No. 3, current series, from the War Department, and General Orders No. 9, current series, from these headquarters, the same is set aside and discontinued.

By order of Prevet Maj. Gen. A. Baird:

(Signed) NATHANIEL BURBANKS,
*1st Lieut. & Act'g Ass't Adj't General.*

*General Orders No. 3.—Filed 28th June, 1866.*

HEADQUARTERS DEPART. OF LOUISIANA,
*New Orleans, La., January 26, 1866.*

General Orders No. 9.

The following general order from the War Department is republished for the information and guidance of all concerned:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
*Washington, January 12, 1866.*

General Orders No. 3.

To protect legal persons against improper civil suits & penalties in late rebellious States, military, division, and department commanders, whose commands embrace or are composed of any of the late rebellious States, and who have not already done so, will at once issue & en-
7 force orders protecting from prosecution or suits in the State or municipal courts of such States, all officers and soldiers of the armies of the United States, and all persons thereto attached, or in any wise thereto belonging, subject to military authority, charged with offences for acts done in their military capacity or pursuant to orders from proper military authority; and to protect from suits or prosecution all loyal citizens or persons charged with offences, done against the rebel forces, directly or indirectly, during the existance of the rebellion; and all persons, their agents or employees, charged with the occupancy of abandoned lands or plantations, or the possession or custody of any kind of property whatever, who occupied, used, possessed, or controlled the same pursuant to the order of the President, or any of the civil or military departments of the government, and to protect them from penalties or damages that may have been or may be pronounced or adjudged in said courts in any of such cases; and also protecting colored persons from prosecuting in any of said States charged with offences for which white persons are not prosecuted or punished in the same man-
8 ner and degree.

By order of Lieut. General Grant:

E. D. TOWNSEND,
*Assistant Adjutant General.*

1. All prosecutions and suits embraced in the foregoing order pending in any court not of federal jurisdiction within the limits of this command, will at once be discontinued and set aside, and the records, process, pleadings, orders, decrees, judgments, and all papers relating to the same forwarded to these headquarters for safe-keeping.

2. Whenever it shall appear that any suit or proceeding of the character mentioned pending in a State court in violation of this order, district commanders are authorized and enquired to give & enforce such orders as may be necessary and proper, reporting their action in each case and the reasons therefor to these headquarters; but they are enjoined to take this action in a discreet and orderly manner, and with due respect to the judicial authorities before whom such cases are pending.

By order of Major General E. R. S. Canby:

(Signed) WICKHAM HOFFMAN,
*Assistant Adjutant General.*

Official:

DEWITT CLINTON,
9 *Brevet Lieut. Col., Judge Adv.*

*Rule for default.—Minutes of 15th January, 1867.*

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 18,300.

On motion of Hays, Adams & Moise, of counsel for plaintiff, it is ordered that defendants show cause on Wednesday the 23d January, 1867, why judgment by default should not be entered against them.

*Sheriff's return on foregoing rules.—Received January 16, 1867.*

On the 17th day of January, 1867, served copy of the within rule on Seelye & Atwood, the defendants herein, through Seelye, one of the firm of Seelye & Atwood. I found by interrogating said Seelye that he is a member of the said firm of Seelye & Atwood, at the corner of St. James & Chippewa streets. And returned same day.

(Signed) JOHN HECTOR,
*Deputy Sheriff.*

*Petition to remove cause.—Filed 31st January, 1867.*

10 R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 18,300.

To the hon. the judge of the sixth dist. court:

Your petitioners, Seelye & Atwood, would respectfully represent:

That all of the acts complained of in plaintiff's petition herein were done by them under authority & direction of the United States government or its duly authorized officers and agents, and during the late rebellion.

Wherefore they pray that the laws of the United States being considered the said action may be removed to the United States circuit court.

(Signed) SULLIVAN, BILLINGS & HUGHES,
*Of Counsel.*

*Testimony of A. B. Seelye.*

A. B. Seelye, being duly sworn, deposes and says: He is a member of the firm of Seelye & Atwood, made defendants herein; that he read the petition filed by the plaintiff herein, and that all the acts complained of by said plaintiff were performed and done by his said firm under authority and instruction of the Hon. Benj. F. Flanders, deputy general
11 agent Treasury Department, and that by such authority and direction, he took possession of said 178 b. c., and kept the same as warehouseman of the United States government, and gave the same up under the direction of its duly authorized officers during the late rebellion, and in receiving the same they were acting as employees of the United States gov't.

(Signed) A. B. SEELYE.

Sworn to before me on the 31st January, 1867.

(Signed) G. H. BRAUGHN,
*2d Justice of the Peace.*

*Testimony of William P. Kellogg.*

William P. Kellogg, being duly sworn, says: He is the collector of the port of New Orleans.

That in the month of March, 1866, he was instructed by the honorable the Secretary of Treasury to advise with gov't agents in the city of New Orleans in reference to the release of cotton.

That while so advising with B. F. Flanders, deputy genl. agt. of the Tresy. Dept. of the United States, he heard said Flanders direct that 178 bales cotton marked "R. K. H." be sent to the warehouse of
12 Seelye & Atwood, in the city of New Orleans, and that the said Seelye & Atwood should pay the freight and charges on the same.

That said Seelye & Atwood, in receiving said cotton, the paying of the freight and charges thereon, and in other matters appertaining thereto, were acting under order of duly authorized agents of the United States government, and the acts complained of in plaintiff's petition were wholly proferred under said authority; and, further, that the only interest that the said Seelye & Atwood had in said 178 b. c., was that of warehousemen who paid the charges thereon and stored the same.

(Signed) WM. P. KELLOGG.

Sworn to and subscribed before me at the city of New Orleans, this 29th day of January, 1867.

(Signed) I. MORRIS DAY,
*Not. Pub.*

*Testimony of Benj. F. Flanders.*

STATE OF LOUISIANA, *Parish of Orleans:*

Benj. F. Flanders, being duly sworn, deposes and says:

That in March, 1866, he was deputy general agent of the Treas-
13 ury Department of the United States.

That as such deputy general agent he ordered and directed Messrs. Seelye & Atwood, warehouseman, of the city of New Orleans, to take possession of a certain lot of cotton, 178 bales, which came from Red river, marked "R. K. H.," and also on 15th March, A. D. 1866, he ordered the said Seelye & Atwood to pay the bill of freight & charges on said cotton amounting to $5,907 45.

That in and about the premises in the possession of said 178 bales cotton as mentioned in plaintiff's petition, the said Seelye & Atwood acted under authority and by direction of the United government and officers acting thereunder.

(Signed) BENJ. F. FLANDERS.

Sworn to & subscribed before me this 30th day of January, 1867.

(Signed) I. MORRIS DAY, *Not. Pub.*

*Order transferring cause.—Minutes of 5th February*, 1867.

R. K. HARRISON
*vs.* } No. 18,300.
SEELYE & ATWOOD.

14 State of Louisiana, sixth district court of New Orleans.

Present, the Hon. Guy Duplantier, judge.

In this case after hearing argument of counsel for both parties, & for

the reasons assigned in open court, it is ordered that the prayer of the petitioners, Seelye & Atwood, be granted, and accordingly that this case be removed to the United States circuit court, to be proceeded with according to law.

State of Louisiana, sixth district court of New Orleans.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 18,300.

I, William Woelper, clerk of the sixth district court of New Orleans, do hereby certify that the foregoing fourteen pages do contain a true, correct, and complete transcript of all the documents filed, of all the testimony taken, of all the evidence adduced, and of all the proceedings had in the suit of R. K. Harrison vs. Seelye & Atwood, it being No. 18,300 of the docket of this court.

15 In testimony whereof, I have hereunto set my hand and affixed the seal of said court this fifth day of March, in the year of our Lord one thousand eight hundred & sixty-seven, and the ninety-first of the independence of the United States of America.

[SEAL.] (Signed) WM. WOELPER, *Clerk.*
Per F. J. LAIZER, *D'y Clk.*

[5-c. int. rev. stamp affixed & cancelled.]

*Proceedings in the United States circuit court.*

*Answer.—Filed July 2d*, 1867.

United States circuit court sixth circuit.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 5,191.

And now into this honorable court comes A. B. Seelye and Henry P. Atwood, and for answer admit that they are commercial partners doing business under the style and firm name of Seelye & Atwood.

And further answering, deny that they are indebted to plaintiff in the sum of six thousand & sixty-three 81-100 dollars, ($6,063 81,) or

16 in any sum whatever, and they deny each and every allegation in plaintiff's petition contained, except so much of the same as may be especially admitted herein.

And further answering, they say that they received a certain lot of one hundred & seventy-eight bales of cotton (178 b. c.) into their warehouse, by order of Hon. B. F. Flanders, special agent Treasury Department, and by his orders paid the charges upon the same, which were reimbursed to them by claimant on delivery of the cotton, and they say the same were lawful charges upon said cotton, and were acquiesced in and paid by the plaintiff upon the delivery to them of said cotton.

Wherefore they pray that plaintiff's petition be hence dismissed with costs.

(Signed) SULLIVAN, BILLINGS & HUGHES,
*Of Counsel for Def'ts.*

*Order.—Cause continued.—Extract from the minutes.*

U. S. circuit court, fifth circuit and district of Louisiana.—November term, 1867.

NEW ORLEANS, *Monday, January 27th*, 1867.

Court met pursuant to adjournment.

17 Present, Hon. E. H. Durell, district judge.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 5,191.

By consent of counsel it is ordered that this cause, fixed for this day, be continued till Monday, 3d February, 1868, at 11 a. m.

*Note of evidence.—Filed February 3d*, 1868.

U. S. circuit court.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 5,191.

Pl'ff offered doct. "A."
Mr. Lynch, Ong, Burke, A. B. Seelye, sworn.
Def'ts offered doc'ts B, C, D, E, F.
W. P. Kellogg, Capt. Scott, sworn.

Documents offered in evidence, and filed February 3d, 1868:

*Document "A."*

Received of R. K. Harrison, through Mess. Scott, Cage & Co., eight hundred and ninety dollars, ($890,) charged as freight on one hundred & seventy-eight bales of cotton, from Shreveport to New Orleans, La.; also the sum of ($5,017 45) five thousand & seventeen 45-100 dol-
18 lars, claimed as charges on said cotton. The said R. K. Harrison reserving all rights or claims not relinquished under order of the treasury agent who released said cotton to him.

New Orleans, April 23d, 1866.

(Signed) SEELYE & ATWOOD.

[Copy, *written across Document A.*]

*Document B.*

NEW ORLEANS, *Mch.* 1, 1866.

M. B. F. Flanders, gen'l dep'ty ag't to steamer Richmond.

| | | | |
|---|---|---|---|
| Frt on | | | |
| R P 124 bales cotton *a* 5 c | 620 01 | | |
| Chges | 1,686 40 | | |
| | | 2,306 | 40 |
| R K H 178 do " 5 c | 890 00 | | |
| Chgs | 5,017 45 | | |
| | | 5,907 | 45 |
| | | $8,213 | 85 |

Consigned to O. H. Burbrige, transfered by him to Burke & McDonald, and seized by U. S. Treasury Dpt.

Received in full of the above bill eight thousand two hundred & thirteen dollars and eighty-five cents.

(Signed) W. I. MCARTHUR,
*Clerk St. Richmond.*

Endorsed: Seelye & Atwood's press will pay the within charges
19 and hold the amount against the cotton.
(Signed) BENJ. F. FLANDERS,
*Dep. Gen. Agent.*

March 15, 1866.

*Document "C."*

No. 37. NEW ORLEANS, *March* 15, 1866.

Smith, Newman & Co., pay to the order of steamboat Richmond eighty-two hundred and thirteen 85 dollars.

$8,213 85. (Signed) SEELYE & ATWOOD.

2-c. U. S. int. rev. stamp affixed and cancelled.

Endorsed: W. I. MCARTHUR,
*Clerk St. Richmond.*

[Good pp Smith Newman & Co Edw. Kilshaw, *written across Document C.*
Newman *written in pencil on the margin of Document C.*]

*Document "D."*

NEW ORLEANS, 23*d April*, 1866.

Mess Seely & Atwood to Commercial Press Dr.

Stanley & Co

178 Bs storage 2 mos. rec'd 17 Mch. 40 $71 20.

*Document "E."*

NEW ORLEANS, *April* 18*th*, 1866.

Mess Scott Cage & Co to Seelye & Atwood, Dr., corner St Thomas & St James streets.

Coppy. To freight & charges on (178) bales cotton marked R. K. H ex. steamer Richmond:

| | |
|---|---|
| Mch 14 1866 | 5907 45 |
| Interest on same | 40 66 |
| Drayage from levee pr bale 25 c | 44 50 |
| 20 Storage two months a 40 c | 71 20 |
| | $6,063 81 |

*Document "F."*

OFFICE SUP SPL. AG'T
*New Orleans La Ap* 19. 1866.

Commercial Press

Please deliver to R. K. Harrison one hundred and seventy eight (178) B c marked R. K. H and stored with you he paying all proper and

legitimate charges including the charges for transportation to Shreveport, La.

I am very resp't &c.

(Signed) O. H. BURBRIDGE
*Sup. Spl Agt 3rd Agency.*

*Extract from the minutes.*

MONDAY, *February 3d*, 1868.

Hearing & submission of cause.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

This cause came up for trial, Hays, Adams & Moise for pl'ff; Sullivan, Billings & Hughes, for def'ts; when, after hearing the pleadings, evidence, and argument, the court took time to consider.

21 *Judgment.—Extract from the minutes, Wednesday, February* 19, 1868.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

For reasons orally assigned, it is ordered, adjudged, & decreed that R. K. Harrison do have & recover judgment against the defendants, A. B. Seelye and Henry P. Atwood, individually, & as members of the firm of Seelye & Atwood, in solido, for the sum of four thousand six hundred and sixty-one $\frac{45}{100}$ dollars, with 5 per cent. interest from 16th June, 1866, till paid, and costs of suit.

*Rule and grounds for a new trial.—Extract from the minutes, Thursday, February*, 20, 1868.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

On motion of Sullivan, Billings & Hughes, att'ys for def'ts, it is ordered that plaintiff show cause on the 27th instant, at 11 a. m., why the judgment rendered herein should not be set aside, and a new trial granted upon the following grounds:

22 First. Because the court erred in holding that upon the facts proved the defendants were liable.

Second. Because the plaintiff, having voluntarily paid the amount sued for, cannot recover back the same.

Third. Because the judgment is against the law and the evidence.

*Marshal's return.*

Received, Feb. 21, 1868, by the U. S. marshal, and on same day of Feb. 1868, served copy of within rule on Hays, Adams & Moise, att'ys named herein, in the hands of H. T. Hays, a member of said firm, personally, at office, 13 St. Charles street, in this city.

New Orleans, Feb'y 21, 1868.

(Signed) S. W. REED,
*Dy. U. S. Marshal.*

*Order rule discharge.—Extract from the minutes, Thursday, February 27, 1868.*

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

23 The rule for a new trial, taken by def'ts on the 20th instant, came up.

Sullivan, Billings & Hughes for pl'ffs in rule.

Hays & Moise for def't in rule.

When after hearing argument, for reasons orally assigned, ordered that the rule be discharged, and a new trial refused, with costs.

*Judgment from judgment docket.*

United States circuit court, fifth circuit and district of Louisiana, November term, 1867.

NEW ORLEANS, *Wednesday, February* 19, 1868.

Court met pursuant to adjournment.

Present, Hon. E. H. Durell, dist. judge.

R. K. HARRISON
*vs.*
SEELYE & ATWOOD. } No. 5,191.

For reasons orally assigned it is ordered, adjudged, and decreed that R. K. Harrison do have and recover judgment against the defendants, A. B. Seelye and Henry P. Atwood, individually, and as members of the firm of Seelye & Atwood, in solido, for the sum of four thousand six hundred and sixty-one $\frac{45}{100}$ dollars, with 5 per cent. interest from 16th June, 1866, till paid, and costs of suits.

24 Judgment rendered February 19th, 1868.

Judgment signed February 28th, 1868.

(Signed) E. H. DURELL, *Judge.*

*Petition for writ of error.—Filed March 9th, 1868.*

To the honorable the judges of the circuit court of the United States for the fifth judicial circuit and district of Louisiana.

R. K. HARRISON
*vs.*
A. B. SEELYE and HENRY P. ATWOOD. } No. 5,191.

The petition of A. B. Seelye and Henry P. Atwood, defendants herein, respectfully shows and states that they are aggrieved by the final judgment rendered herein against them in the suit of R. K. Harrison against A. B. Seelye and Henry P. Atwood, numbered 5,191 on the docket of suits of this honorable court, and signed on the 28th day of February, A. D. 1868, and are informed that there is error therein to their prejudice, and are desirous that a writ of error be allowed them

25 therefrom to the Supreme Court of the United States. Wherefore they pray that a writ of error be allowed them from the said judgment, the same being for more than the sum of two thousand dollars, ($2,000,) returnable to the next term of the Supreme Court of

the United States; and that the same may operate as a supersedeas upon their giving bond with good and solvent security in such amount as the court may direct and order. And, as in duty bound, will ever pray, &c.

(Signed) SULLIVAN, BILLINGS & HUGHES,
*Of Counsel for Defendants.*

*Order granting writ of error, &c.—Extract from the minutes, Monday, March 9th*, 1868.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 5,191.

On motion of Sullivan, Billings & Hughes, of counsel for the defendants, and on filing petition praying for a writ of error in this case to the Supreme Court of the U. S:

It is ordered that a writ of error be allowed to operate as a supersedeas as prayed for, returnable to said Supreme Court the 1st
26 Monday of December next, on giving bond in the sum of $7,500, with good and solvent security conditioned as the law directs.

*Bond for writ of error.—Filed March 9th*, 1868.

U. S. circuit court.

R. K. HARRISON *vs.* SEELYE & ATWOOD. } No. 5,191.

Know all men by these presents, that we, A. B. Seelye and Henry P. Atwood, as principals, and Henry Schneider, of the city of New Orleans, as surety, are held and firmly bound unto R. K. Harrison in the full & just sum of seven thousand and five hundred dollars, to be paid to the said R. K. Harrison, his certain attorney, executors, administrators, or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this ninth day of March, in the year of our Lord one thousand eight hundred and sixty-eight:

Whereas lately at a circuit court of the United States, fifth judicial circuit, holding sessions in and for the district of Louisiana, in a
27 suit depending in said circuit court, wherein R. K. Harrison was plaintiff, and said A. B. Seelye and Henry P. Atwood were defendants, judgment was rendered against the said A. B. Seelye and Henry P. Atwood, defendants, and the said A. B. Seelye & Henry P. Atwood having obtained a writ of error, and filed a copy thereof in the clerk's office of the said circuit court to reverse the judgment in the aforesaid suit, and a citation directed to the said R. K. Harrison, citing and admonishing him to be and appear at a Supreme Court of the United States to be holden at Washington the first Monday of December next:

Now, the condition of the above obligation is such that if the said A. B. Seelye and Henry P. Atwood shall prosecute this writ to effect, & answer all damages and costs if they fail to make their plea good, then the above obligation to be void; else to remain in full force and virtue.

(Signed) A. B. SEELYE. [L. S.]
" H. P. ATWOOD. [L. S.]
" HENRY SCHNEIDER. [L. S.]

Sealed and delivered in the presence of—
(Signed) AUG. DEB. HUGHES.

28 United States of America, circuit court of the United States, fifth circuit and district of Louisiana.

CLERK'S OFFICE:

I, Dominick Urban, clerk of the circuit court of the United States for fifth circuit and district of Louisiana, do hereby certify that the foregoing 27 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of R. K. Harrison vs. Seelye & Atwood, No. 5,191 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court at the city of New Orleans, this 22d day of August, A. D. 1868.

[SEAL.] D. URBAN, *Clerk.*

[5-cent int. rev. stamp cancelled.]

I, E. H. Durell, United States judge for the district of Louisiana, do hereby certify that Dominick Urban, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, was at the time of signing said certificate and is now the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand and seal at the city of New Orleans, in said district, this 22d day of August, A. D. 1868.

E. H. DURELL, *Judge.*

[5-cent int. rev. stamp cancelled.]

29 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the circuit court of the United States in and for the fifth circuit, and holding sessions for the district of Louisiana, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court before you, or one of you, betweeen R. K. Harrison, plaintiff, and A. B. Seelye and Henry P. Atwood, defendants, and numbered 5,191 upon the docket of said court, a manifest error hath happened to the great damage of the said A. B. Seelye and Henry P. Atwood, defendants, as by their complaint appears.

We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this ninth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] D. URBAN,
*Clerk of the United States Circuit Court*
*for District of Louisiana.*

(Indorsed:) United States circuit court. No. 5,191. R. K. Harrison vs. Seelye & Atwood. Writ of error.
Filed March 9, '68.

F. B. VINOT, *D'y Clk.*

30 THE UNITED STATES OF AMERICA,
*District of Louisiana:*

The President of the United States to R. K. Harrison, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the City of Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein A. B. Seelye and Henry P. Atwood are plaintiffs in error, and you are defendant, to show cause, if any there be, why the judgment rendered against the said plaintiffs, as in said writ mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 10th day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

E. H. DURELL, *Judge.*

(Indorsed:) United States circuit court. No. 5,191. R. K. Harrison vs. Seelye & Atwood. Citation in error.

*Marshal's return.*

Received Mar. 10, 1868, by the U. S. marshal, and on same day of Mch., '68, served copy of within citation on Hays, Adams & Moise, named herein, att'ys for R. K. Harrison, in the hands of J. H. New, at office, 13 St. Chas. st., in this city.

S. W. REED,
*D'y U. S. Marshal.*

NEW ORLEANS, *Mch.* 11, '68.